Private & Confidential

In the matter of the General Data Protection Regulation

DPC Complaint Reference: [redacted]

In the matter of a complaint, lodged by [redacted] **with the Data Protection Commission pursuant to Article 77 of the General Data Protection Regulation, concerning OpenAI Ireland Limited**

Record of Amicable Resolution of the complaint and its consequent withdrawal pursuant to Section 109(3) of the Data Protection Act, 2018

Further to the requirements of EDPB Guidelines 06/2022 on the practical implementation of amicable settlements Version 2.0 (adopted on 12 May 2022)

RECORD OF AMICABLE RESOLUTION FOR THE PURPOSE OF EDPB GUIDELINES 06/2022 ON THE PRACTICAL IMPLEMENTATION OF AMICABLE SETTLEMENTS VERSION 2.0

(ADOPTED ON 12 MAY 2022)

Dated the 23rd day of December 2025

An Coimisiún um Chosaint Sonraí
Data Protection Commission

Data Protection Commission
6 Pembroke Row
Dublin 2, Ireland

Background

1. On 15 May 2025, [redacted] ("the **Data Subject**") lodged a complaint pursuant to Article 77 of the GDPR with the Data Protection Commission ("the **DPC**") concerning OpenAI Ireland Limited ("the **Respondent**").

2. The DPC was deemed to be the competent authority for the purpose of Article 56(1) of the GDPR.

The Complaint

3. The details of the complaint were as follows:

    a. The Data Subject emailed the Respondent on 9 May 2025 to request erasure of their personal data, after having difficulty in deleting their account. The Respondent replied that same day acknowledging the request and providing a link to its Help Centre Article on to how they could delete their account. Later that same day, the Data Subject replied advising they already tried to delete their account, but were unable to do so as they encountered errors.

    b. On 14 May 2025, the Respondent replied with further information as to how the Data Subject could delete their account, however the Data Subject replied that the response was not satisfactory as they had previously informed the Respondent of the difficulty in deleting their account. The Respondent replied advising that due to the multiple options available for users to manage and delete their personal data, the Respondent could not perform this action on their behalf.

Action taken by the DPC

4. The DPC, pursuant to Section 109(4) of the Data Protection Act, 2018 ("the **2018 Act**"), is required, as a preliminary matter, to assess the likelihood of the parties to the complaint reaching, within a reasonable time, an amicable resolution of the subject-matter of the complaint. Where the DPC considers that there is a reasonable likelihood of such an amicable resolution being concluded between the parties, it is empowered, by Section 109(2) of the 2018 Act, to take such steps as it considers appropriate to arrange or facilitate such an amicable resolution.

5. Following a preliminary examination of the material referred to it by the Recipient SA, the DPC considered that there was a reasonable likelihood of the parties concerned reaching, within a reasonable time, an amicable resolution of the subject matter of the complaint. The DPC's experience is that complaints of this nature are particularly suitable for amicable resolution in circumstances where there is an obvious solution to the dispute, if the respondent is willing to engage in the process. In this regard, the DPC had regard to:

    a. The relationship between the Data Subject and Respondent (being, in this case, an individual and a service provider); and

b. The nature of the complaint (in this case, an unsuccessful attempt by the Data Subject to exercise their data subject rights).

6. While not relevant to the assessment that the DPC is required to carry out pursuant to Section 109(4) of the 2018 Act, the DPC also had regard to EDPB Guidelines 06/2022 on the practical implementation of amicable settlements Version 2.0, adopted on 12 May 2022 (**"Document 06/2022"**), and considered that:

    a. the possible conclusion of the complaint by way of amicable resolution would not hamper the ability of the supervisory authorities to maintain the high level of protection that the GDPR seeks to create; and that

    b. such a conclusion, in this case, would likely carry advantages for the Data Subject, whose rights under the GDPR would be vindicated swiftly, as well as for the controller, who would be provided the opportunity to bring its behaviour into compliance with the GDPR.

Amicable Resolution

7. The DPC engaged with both the Data Subject and Respondent in relation to the subject matter of the complaint. Further to that engagement, it was established that the Data Subject's account had been deleted on 9 May 2025. In its response to the DPC, the Respondent clarified that it confirmed this action to the Data Subject that same day. In the circumstance, the Respondent advised the limited personal data it retains for legal obligations and the duration of this retention.

8. On 29 October 2025, the DPC wrote to the Data Subject with the information provided by the Respondent, as part of the amicable resolution process. In its correspondence to the Data Subject, the DPC requested that the Data Subject notify it, within a specified timeframe, if they were not satisfied with the information provided by the Respondent, so that the DPC could take further action.

9. Later that same day, the Data Subject confirmed to the DPC that the information provided by the Respondent had resolved their complaint.

10. In circumstances where the subject matter of the complaint has been amicably resolved, in full, the complaint, by virtue of Section 109(3) of the 2018 Act, is deemed to have been withdrawn by the Data Subject.

Confirmation of Outcome

11. For the purpose of Document 06/2022, the DPC confirms that:

    a. The complaint, in its entirety, has been amicably resolved between the parties concerned;

b. The agreed resolution is such that the object of the complaint no longer exists; and

c. Having consulted with the supervisory authorities concerned on the information set out above, as required by Document 06/2022 the DPC has now closed off its file in this matter.

12. If dissatisfied with the outcome recorded herein, the parties have the right to an effective remedy by way of an application for judicial review, by the Irish High Court, of the process applied by the DPC in the context of the within complaint.

Signed for and on behalf of the DPC:



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Deputy Commissioner
Data Protection Commission